



Administrative Tribunal

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LIMITED

AT/DEC/702
28 July 1995

ORIGINAL: ENGLISH

ADMINISTRATIVE TRIBUNAL

Judgement No. 702

Case No. 760: BEG

Against: The Secretary-General
of the United Nations

THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS,
Composed of Mr. Jerome Ackerman, President; Mr. Francis
Spain; Mr. Mayer Gabay;

Whereas at the request of Tasnim Beg, a former staff member
of the United Nations Children's Fund, hereinafter referred to as
UNICEF, the President of the Tribunal, with the agreement of the
Respondent, extended the time-limit for the filing of an application
to the Tribunal to 9 November 1993;

Whereas, on 10 September 1993, the Applicant filed an
application requesting the Tribunal, inter alia:

"[To order the production of certain documents and the
examination of witnesses]

Immediate reinstatement with full payment of salary and
emoluments as from 1 February 1992 and that she be kept on
the payroll at her former rate until she is placed on a
comparable post in UNICEF (or another UN Agency) in a country
other than Pakistan. ...

Should the Administrative Tribunal decide that the above
is not possible until completion and full review of the case,
immediate payment of salary and emoluments as from 1 February
1992 to September 1993 (time of this application) and that
she be kept on the payroll after that at her former rate
until the final consideration has been completed by the
Tribunal and the Applicant informed of the decision. These
payments to be treated as an advance. ...

If for any reason, ... the Applicant is not re-instated, the advance payment noted above to be adjusted against payment of Termination Indemnity equivalent to two year's salary and allowances as recommended by the Joint Appeals Board, (...) along with compensation noted below.

...

(i) If for any reason, the Applicant is not re-instated, an amount of compensation sufficient to maintain the Applicant at a standard that is on average, progressively maintainable by a person of her professional qualifications and experience for the remaining years of her active working life. (Retirement age based on international standards.)

...

(ii) Appropriate compensation for the harassment suffered within the Organization and from outside sources because of the Applicant's employment with the Organization.

...

...

(i) Full protection from any investigations/ actions by Government agencies or other persons ensuing from the Applicant having been put on the intelligence files of the government of her own country because of employment with the Organization. (...)

(ii) Reimbursement of all expenses incurred on preparation correspondence and submission of Rebuttal of 1990 PER, Appeal and this application. ...

(iii) All remaining actions requested in the appeal to Joint Appeals Board (...) ... "

Whereas the Respondent filed his answer on 5 August 1994;
Whereas the Applicant filed written observations on 18 April 1995;

Whereas, on 18 April 1995, the Respondent submitted further documents;

Whereas, on 15 May 1995, the Applicant submitted additional documents;

Whereas, on 29 June 1995, the President of the Tribunal ruled that no oral proceedings will be held in the case;

Whereas, on 28 June 1995, the Tribunal put questions to the Applicant to which she provided answers on 29 June 1995;

Whereas the facts in the case are as follows:

The Applicant entered the service of UNICEF, as Chief, Finance and Budget Section, UNICEF Islamabad, on 9 April 1987, on a two year fixed-term appointment at the National Officer (NO) "C/III" level. In April 1989, her appointment was renewed for two years, through 30 April 1991. The Applicant was promoted to the NO "D/II" level, with effect from 1 January 1991. Her appointment was extended for two months on 1 May 1991 and on 1 July 1991, and for three months on 1 September 1991. She was put on leave with pay from 1 September through 30 November 1991. Her appointment was extended, on special leave, from 1 December 1991 through 31 January 1992, when the Applicant separated from the Organization.

During her service with UNICEF the Applicant's performance was evaluated in four performance evaluation reports (PER). In the first covering the period 9 April through 31 December 1987, the UNICEF Representative in Islamabad, who was the Applicant's First Reporting Officer, noted:

"[The Applicant] does not accept things as they are, but sometimes challenges established practices if she feels they are wrong, inadequate or not according to the UNICEF rules. These characteristics are a great asset to a Finance Officer, but requires 'guts' to display in an office environment of the type we have in Pakistan. [The Applicant] has what it takes and that has earned her respect."

Prior to his departure, the UNICEF Representative evaluated the Applicant's performance from 1 January 1988 through 31 August 1988 in a second PER, stating under "Competence" that the Applicant was "a fully professional and competent Finance and Budget Officer and the year under review gave her an opportunity to demonstrate this on the job, carrying the budget submissions to a successful conclusion." He further stated:

"I also wish to pay tribute to the staff-members (sic) doggedly persistent efforts to bring about improved monitoring and analysis of administrative expenditures ... In view of the gaps in financial and administrative monitoring and control which had developed in the office over some period of time, staff member's energetic efforts to catch up with the backlog, in spite of inertia and lack of enthusiasm in many quarters, is a noteworthy achievement as such ...

... Staff member has several personal characteristics which have and will, serve her well in her career: high sense of responsibility, high integrity and moral courage. She follows her sense of duty without anxiously looking over her shoulder whether what she says and does is making her popular or not ... Her position in the UNICEF, Islamabad Office, as a newcomer and a woman - the first female section-head among National Officers - made her vulnerable in a still male-oriented, traditional office environment. She handled that very well, but in the process she also generated some resistance ... I have great respect for [the Applicant] and a high appreciation of her contribution to our work."

In the same PER, the UNICEF Regional Director, as Second Reporting Officer, stated the following:

"I am sufficiently well acquainted with the [Applicant's] work and I share the comments made by the First Reporting Officer. [The Applicant] has a good potential for a career with UNICEF."

In January 1989, an audit of the UNICEF offices in Pakistan was conducted. In his report, the auditor listed a number of issues where "corrective action has been initiated." With regard to the Finance and Budget Section, he noted that the Section had been "headless" for a period of 16 months, prior to the Applicant's appointment, during which time it had not functioned properly. Financial Rules and Regulations had not been strictly enforced and some unwanted operational habits had developed.

On 2 April 1989, the new UNICEF Representative for the Islamabad Office recommended that the Applicant's appointment be extended for two years. On 16 September 1990, he evaluated the Applicant's performance for the period from January through December 1989, in accordance with the new performance evaluation system. On

a scale of 1 to 5 (highest), the Applicant was given "4" for Professional Competence and for Productivity, "3" for Communication Skills and Supervisory Skills, and "2" for Work Relationships. He commented on her Work Relationships as follows:

"The staff member works in the difficult environment and is doing a very conscientious job. Consequently, she faces occasionally difficult situations and some tensions with her colleagues are created. There has been a progress in her work relationships, but further efforts are required on her part."

In signing the report, the Applicant commented in the Section on Work Relationships as follows:

"I would appreciate more detailed/frequent discussion and assistance from my supervisor in resolving this area, as I think that the problem is to a great extent inherent to the nature of work required of me."

In a memorandum, dated 27 September 1990, the UNICEF Representative informed the Chief of Personnel, Islamabad, "I am happy to recommend the promotion of [the Applicant] to NO-D effective 1 July 1990" (the Applicant's post had been upgraded to the "D" level in April 1989). He asked that the case be considered by the NO Appointment and Promotion Committee (APC). On 2 October 1990, the NO APC considered this recommendation. Noting the Applicant's 1989 performance evaluation of her "work relationships" as "passable", and that "almost the same reflection under this item was there in her 1988 PER" the NO APC recommended, inter alia, that the promotion be postponed until the end of 1990, "to establish a change and improvement in the working relationships of the [Applicant]."

In a handwritten note, dated 4 October 1990, on the minutes of the NO APC meeting, the UNICEF Representative recommended to the Regional Director "the promotion of [the Applicant] effective

1 January 1991, without any conditions." He stated that he had had "frequent discussions" with the Applicant. His recommendation was subsequently approved by the UNICEF Regional Director.

On 11 October 1990, the Applicant wrote to the UNICEF Representative, putting on record her disappointment at the postponement of her promotion. Expressing her agreement that the issue of her "working relationships" needed to be resolved, she noted that the problem had not been created by her and that the real issue resulted from her responsibility to enforce the Organization's financial rules and regulations. This was "a task that by its very nature causes irritation and aggravation for my other colleagues." She attached a list of problem areas and requirements not always complied with.

On 18 March 1991, the Chief, Personnel and Administration Section of the Islamabad Office, requested a recommendation from the UNICEF Representative, concerning the Applicant's future employment, noting that she was eligible for consideration for a probationary appointment.

An audit of the Islamabad Office carried out by UNICEF Headquarters in April and May 1991, reported that payment requests had not been designed to show clearly that the various responsibilities of certifying, approving and paying transactions were being carried out in accordance with the Controller's specifications. The auditors reported that, as a result of those shortcomings, friction and delays tended to occur during payment transactions.

The audit report noted that personal relationships between Section Heads and the Applicant had virtually broken down, due to inadequate familiarity with the controls exercised by the Applicant. The auditors noted that this had "unfortunately reflected adversely in the performance evaluation of [the Applicant]" and recommended that the "adverse performance evaluation" of the Applicant in the area of "personal relations" be "duly reconsidered". In reply, the UNICEF Islamabad Office commented, "The performance of all staff is evaluated in accordance with the new Performance Appraisal System

("PAS"). We believe that if that system is inadequate, then the auditors may suggest ways of improving it."

The Applicant's appointment was extended in mid-May, with effect from 1 May 1991, for two months, and again with effect from 1 July 1991, for two months. The Applicant signed her second two month letter of appointment, adding a memorandum, dated 3 July 1991, in which she informed the UNICEF Representative that she was accepting the two month appointment "without prejudice to my case for probationary appointment." She noted that according to practice and the Personnel Administration Manual (PAM), a probationary appointment was to be considered upon completing four years service, which she had done in April 1991. She further noted "I was promoted wef [with effect from] January 1991 and the auditors during their recent visit reiterated that my functions as a Budget/Finance Officer were properly carried out," concluding "I have fully satisfied the conditions laid down in the PAM regarding probationary appointments."

After sending him a memorandum dated 30 July 1991, the Applicant met with the UNICEF Regional Director, on 1 August 1991. In her memorandum, she gave an account of her situation in the office and requested "rectification" of her 1989 PER. She also asked for a decision on her probationary appointment, and "an early transfer out of this office" or alternatively, "a temporary assignment elsewhere or an appropriate training programme". Failing these possibilities, she requested "a grant of special leave pending resolution of this matter."

On 5 August 1991, the Applicant's performance evaluation for the year 1990, was completed by the UNICEF Representative. The numerical ratings were the same as for the previous year. In the section on Work Relationships, he noted:

"I continued to receive complaints from her colleagues. Though I note some efforts made on her part to improve her working relationships, the overall outcome was not satisfactory. I expect her to have maturity in dealing with her colleagues."

On the same date, the UNICEF Representative forwarded a copy of the Applicant's evaluation to the Chief, Personnel and Administration Section. He stated that he could not recommend that the Applicant be granted a probationary appointment. He requested a two month extension of the Applicant's appointment pending a final decision on her probationary appointment.

On 27 August 1991, the Appointment and Promotions Committee (APC) reviewed the Applicant's case. The APC recommended that as "the [Applicant] has no positive problem solving style of work or a constructive approach and was unable to improve her working relations in spite of consistent support from the supervisor," she not be granted a probationary appointment and that she be separated from UNICEF.

On 1 September 1991, the Applicant's appointment was extended for two months. On 17 September 1991, the Chief, Personnel and Administration Section, Islamabad, informed the Applicant that the UNICEF Representative had not recommended her probationary appointment to the APC. The APC had recommended that she be separated from the Organization. He further informed the Applicant that the UNICEF Representative had requested that she be put on special leave with full pay for a period of three months, through 30 November 1991 and that this "will give you sufficient time to seek alternative employment."

On 16 October 1991, the Applicant signed her 1990 PER, noting her disagreement with most of its ratings and comments and stating "the PER is prejudiced by events both prior and subsequent to the period under review. PAS procedures have not been followed either in letter or in spirit." On 30 October 1991, she submitted further comments on the PER, noting that the evaluation had been prepared during her absence and that her supervisor had not commented on the quality and frequency of performance related discussions. She stated that consultation between her and her supervisor had consisted of her sending him routing slip messages, to which he had not responded, leading her to assume that he agreed with their content.

In a letter of 16 October 1991 to the Deputy Executive Director (Operations), the Applicant submitted a rebuttal of her 1990 PER, noting that she had received a separation notice while on leave. She stated that she had experienced harassment and victimization for carrying out her assigned functions and offered to provide further details of the nature of the harassment. In a document of the same date, the Applicant set forth numerous cases relating to financial issues which had arisen in the UNICEF Islamabad office.

On 9 November 1991, the Applicant requested the Secretary-General to review the decision to separate her from service. With effect from 1 December 1991, the Applicant's appointment and her leave were extended to 31 January 1992. On 13 January 1992, the APC again reviewed the Applicant's contractual status and her 1990 performance evaluation, and her rebuttal. Finding that "the appeal brings in no change in the substance of the case, which could justify reversal of earlier recommendations," the APC recommended that the Applicant's appointment not be extended further. On 21 January 1992, the Applicant was informed that her appointment would not be extended beyond 31 January 1992.

On 30 January 1992, the Applicant lodged an appeal with the Joint Appeals Board (JAB). In a communication dated 31 March 1992, the Deputy Executive Director (Operations), UNICEF, confirmed the decision of the UNICEF Representative to separate her from service. She rejected her contention of prejudice by her supervisor as well as her contention that her work relationship problems arose as an inherent function of her role as Finance Officer.

The JAB adopted its report on 8 June 1993. Its considerations, findings and recommendations read, inter alia:

"30. The Panel found good reason to believe that the review by the APC was tainted. The Minutes of the APC meeting held in 1990 to consider [the Applicant's] promotion states that ... her work relationships were found 'passable' in 1989 and almost the same reflection under this item was there in her 1988 PER as well. This is a demonstrable misrepresentation of the facts. Compare it with the excerpts from the 1988 PER

by [the previous Chief, Islamabad Office] in para.4 above, or with the full text in [the Applicant's] official status file.

31. The 1991 APC which recommended her termination included at least two officials to whom, on the evidence of the material in the file, queries had been addressed by [the Applicant] in her capacity of Chief, Finance and Budget, and who - not to put it too strongly - were not pleased by her intervention. They were ... Chief, Supply & Programme Operations, and [another staff member]. A third member - ... - was, if the Panel read ... correctly ... not a person disposed to give the benefit of the doubt to a woman Chief of Section ...

33. Under the circumstances, the Panel felt that it was natural for [the Applicant] to press forward. It was equally normal for there to have been resistance; few people like change, and old habits - especially bad ones - die hard. Given the 'male-oriented, traditional office environment,' even the most diplomatic of women finance officers would have encountered resistance. In the Panel's view, the degree to which [the Applicant] could have successfully overcome that resistance depended in large degree on the support she was given by the Head of the Office. According to [the Representative], she got it; according to [the Applicant], she did not. The Panel sought any clue that might throw light on the relationship.

34. There were three. In 1991, the auditors from UNICEF Headquarters recommended that [the Applicant's] 'adverse performance evaluation ... on personal relations' should be reconsidered. The snide response ... could hardly have been made without, at least, the tacit consent of [the Representative]. In July 1991, [the Applicant] sought and obtained an interview with the Regional Director. In his memorandum of 5 August 1991, to [another staff member], concerning [the Applicant's] contractual status, [the Representative] gratuitously characterized the interview as 'her complaints against myself and her colleagues.' Finally, in commenting on her 'Explanation/rebuttal of 1990 PER,' [the Representative] repeated the factual misrepresentation made earlier by the APC in an even more blatant form. He said, 'her 1989 PER was not a shock to her, because it was very similar to the one done by her earlier supervisor who also gave her "2" for her working relationship.' The PAS with numerical ratings had not yet been introduced in 1988.

Findings and Recommendations

36. For the above reasons, the Panel found that bias and discrimination played a part in the decision not to renew

[the Applicant's] fixed-term appointment. Some reaction on the part of her colleagues and supervisor may have been natural and understandable as a result of the normal resistance to change. However, there was no justification for the extreme form that reaction finally took. The Panel found that not only had she been unfairly terminated, but that she had been deprived of the full and fair consideration for a career appointment to which she was entitled.

37. The Panel recommends that [the Applicant] be reinstated with full payment of salary and emoluments as from 1 February 1992, and that she be kept on the payroll at her former rate until she is placed on a comparable post in UNICEF (or another UN Agency) in a country other than Pakistan.

38. If, for any reason, the above recommendation is not implemented, the Panel recommends that [the Applicant] be paid an indemnity equivalent to two years' salary and allowances".

On 15 July 1993, the Under-Secretary-General for Administration and Management transmitted a copy of the JAB report to the Applicant and informed her as follows:

"The Secretary-General, after review of the report of the JAB, has decided not to accept the findings and recommendations in paragraphs 36 and 37. The Secretary-General does not accept the conclusion drawn by the Board that it was bias and discrimination in the UNICEF Office in Pakistan that caused the non-renewal of your contract. However, it is noted that there were problems in interpersonal relations between you and your colleagues in the Office. He does not, furthermore, accept the recommendation of the Board to reinstate you in the service of UNICEF or another UN agency, for the reasons stated above and, under the terms and conditions of your employment as a national professional officer, your service is limited to the country of nationality.

With regard to the Board's recommendation contained in paragraph 38, the Secretary-General has approved the payment of termination indemnity only under the provision of staff regulation 9.3, Annex III, with an additional 50 % compensation taking into account the circumstances that lead to the non-renewal of your contract, instead of the 20 months salary and allowances recommended by the Board. In computing the indemnity you will be considered as having served for a full five-year period on a temporary appointment (which is not for a fixed-term appointment), including the last five

months of your service with UNICEF when on special leave with full pay. This will result in an indemnity payment for a maximum of six months under the above regulations."

On 10 September 1993, the Applicant filed with the Tribunal the application referred to earlier.

Whereas the Applicant's principal contentions are:

1. Her difficulties with her colleagues resulted from the very nature of her job requiring her to ensure compliance with the Financial Regulations and Rules.
2. The recommendation by the APC not to grant the Applicant a probationary appointment was tainted by prejudice, as a majority of its members were colleagues who resented her efforts to restore financial discipline.
3. The decision not to grant the Applicant a probationary appointment and to separate her from UNICEF was vitiated by prejudice against her because she was a woman working in a traditional male-oriented environment.

Whereas the Respondent's principal contentions are:

1. The Applicant has produced no substantive evidence showing that the decisions not to grant her a probationary appointment and to separate her from UNICEF employment were vitiated by prejudice.
2. The findings of the JAB are not supported by evidence.

The Tribunal, having deliberated from 28 June to 27 July 1995, now pronounces the following judgement:

- I. This is an appeal from a decision dated 15 July 1993, in which the Secretary-General rejected the JAB's findings and recommendations, as well as its conclusion of bias and discrimination. The Respondent did not accept the JAB's recommendation that the Applicant be reinstated, noting that under

the Applicant's terms and conditions of employment as a National Professional Officer, her service was limited to her country of nationality. The Respondent did, however, approve, in part, the JAB's recommendation to pay the Applicant an indemnity, by paying her a termination indemnity, in accordance with staff regulation 9.3, Annex III, with an additional 50 per cent of compensation, taking into account the circumstances which led to the non-renewal of the Applicant's fixed term appointment.

II. The Applicant's principal contention is that the Respondent's decision to separate her from service and not to grant her a probationary appointment were vitiated by bias and prejudice. In addition, she alleges that she was not given full and fair consideration for a career appointment. The Applicant requests reinstatement and transfer to a comparable post in another country. Alternatively, she requests payment of her salary as from February 1992 to September 1993, and to be kept on the payroll until the completion of the case. Should she not be reinstated, she requests payment of a termination indemnity equivalent to two years' salary as recommended by the JAB, plus an undefined amount sufficient to maintain her at a certain level for the remaining years of her active working life, and damages for harassment.

III. The Tribunal has held with respect to the non-renewal of fixed term appointments that:

"... the Tribunal's jurisprudence has consistently maintained that while, under the Regulations and Rules governing fixed-term contracts, the Respondent has the unquestioned right to terminate such contracts, it must nevertheless be ensured that the decision to terminate must not be tainted by caprice, prejudice, falsehood or any serious lack of due process." (Judgement No. 345, Najjar)

In addition, the Tribunal has consistently held that "the burden of proving prejudice or other improper motivation lies with the Applicant." (Cf. Judgement No. 465, Safavi)

The Tribunal believes that the central issue of this case is whether the Respondent's discretionary decision to separate the Applicant from service and not to grant her a probationary appointment was vitiated by prejudice or other improper motives.

IV. The Tribunal, in deciding this case, considered the following factors to be of particular significance:

1. The Applicant was working in an office characterized by a UNICEF Representative as a "male oriented traditional office ...". The Applicant's gender, and her oversight responsibilities over male colleagues, appear to have influenced their reactions to her. Moreover, there is other evidence before the Tribunal in affidavits submitted on behalf of the Applicant in connection with her application that she was subjected to discrimination. Indeed, one male colleague, whose four year service with UNICEF virtually coincided with the Applicant's tenure, noted in his affidavit that the Applicant "suffered from the fact that she was a 'dynamic' unmarried national female officer" and that she "was further disadvantaged by the fact that when her management style was being assessed, far different criteria were employed than when her male colleagues were assessed."

2. Before the Applicant's appointment as Chief, Finance and Budget, the post had been vacant for 16 months. There was evidence that, during that time, laxness had developed in the financial administration of the office and that there might well have been cases of fraud.

3. The Applicant's supervisor, who was Head of the Office, as well as both regional and local auditors, encouraged her to continue her efforts to regularize financial procedures.

4. The auditors noted that the interpersonal problems were due to the lack of knowledge by her colleagues of the Applicant's role. They recommended that her adverse performance evaluation report be reconsidered.

5. Due to the inherent nature of the Applicant's work, it was not surprising that her interventions would create resentment and resistance.

6. At no time did anyone question the Applicant's professionalism, competence and ethical standards. Throughout, this professionalism was maintained despite the tense environment in which she found herself.

In addition, the Tribunal takes into account UNICEF's Recruitment Principles and Priorities which establish that in the fulfillment of stated UN policies expressed by the General Assembly in its resolutions 45/239C, 46/100 and 47/93 priority consideration should be given to qualified women candidates.

V. The Tribunal believes that the Applicant's principal function was to ensure that financial regulations and rules were properly respected and financial discipline maintained in the Islamabad office. No one could reasonably expect that in carrying out her functions, the Applicant would necessarily be popular with her colleagues. While working "in a collegial fashion" was certainly a desirable objective, it could hardly take precedence over the necessity of discharging her responsibilities effectively. This does not in any way mean that the Applicant should not have made reasonable efforts to have good working relations. Indeed, it appears to the Tribunal that she did so. That she might not have been successful should not have determined whether she should receive a probationary appointment. The extraordinary importance attached to collegiality in the circumstances here, coupled with gender bias, constituted arbitrariness. The Tribunal finds it surprising that an organization such as UNICEF, which has reportedly been victimized by financial improprieties, would not have rewarded the Applicant's insistence on scrupulous compliance with financial regulations and rules, at the expense of being a favourite among her colleagues, by a probationary appointment rather than penalizing her by separation. For, it would seem clear that the Organization is

sorely in need of more, not fewer, financial officers with her qualities of selfless integrity and perseverance.

VI. The Tribunal agrees with the JAB that "the review by the APC [Appointment and Promotion Committee] was tainted". The persons making the recommendation regarding the suitability of the Applicant for probationary appointment were the very persons who were potential targets of the Applicant's interventions. Consequently, the Applicant was not accorded full and fair consideration when she was deprived of the possibility of a career appointment. Beyond this, the Tribunal finds that the evidence in the file compels the conclusion that both the Applicant's efforts to perform her functions responsibly and her gender were significant elements motivating the decision under challenge. This plainly constitutes non-observance of her terms of appointment, as well as a violation of important organizational policies for the advancement of women.

VII. For the foregoing reasons, the Tribunal:

A. (1) Rescinds the decision of the Respondent dated 15 July 1993;

(2) Orders that the Applicant be reinstated to the position she held as of 31 January 1992, or a comparable position, with full payment of salary and emoluments from that date, less her earnings from other employment;

(3) Further orders the Respondent to grant the Applicant a probationary appointment, from the date her reinstatement takes effect.

B. Should the Secretary-General, within 30 days of the notification of this judgement decide, in the interest of the United Nations, that the Applicant shall be compensated without further action being taken in her case, the Tribunal fixes the compensation to be paid to the Applicant at three years of her net base salary, without deduction of earnings from other employment. In so doing, the Tribunal finds, in accordance with article 9 of its Statute, that this case is exceptional for the reasons set forth in the JAB's

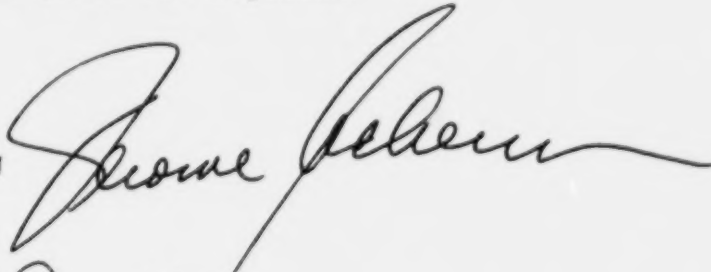
report as well as for her lengthy loss of remuneration. The Tribunal also, thereby, takes account of its findings that the decision to separate the Applicant was partly motivated by gender discrimination, and partly by the fact that she was performing her functions thoroughly. Under such circumstances, the Applicant has been subjected to exceptional distress and moral injury.

C. Strongly urges the Secretary-General to ensure that, further reviews of her performance by her supervisors and by others, will be conducted on the basis of objective criteria and that her treatment will be free from gender bias.

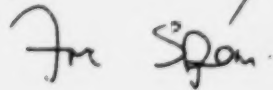
VIII. All other pleas are rejected.

(Signatures)

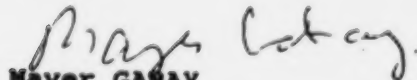
Jerome ACKERMAN
President



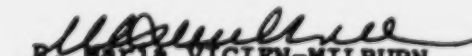
Francis SPAIN
Member



Mayer GABAY
Member



Geneva, 27 July 1995



R. MARIA VICIEN-MILBURN
Executive Secretary